



Section 1557

Family Planning Program

November 2016

Section 1557 background

In accordance to the Office of Civil Rights, agencies contracted through the CDPHE, Title X, Family Planning Program must comply with Section 1557 of the Affordable Care Act (ACA), which was enacted in 2010. Section 1557 is the nondiscrimination provision of the ACA, which prohibits discrimination on the basis of race, color, national origin, sex, age, or disability in certain health programs or activities. This is built upon long-standing Federal civil rights laws. On May 13, 2016, the HHS Office for Civil Rights issued the final rule implementing of Section 1557. This includes further protection for individuals under the following:

Protecting Individuals against Sex Discrimination: Prohibition of discrimination based on an individual's sex; pregnancy, childbirth and related medical conditions; gender identity; and sex stereotyping.

Ensuring Meaning Access for Individuals with Limited English Proficiency: Reasonable steps must be taken to provide meaningful access to each individual with limited English proficiency.

Ensuring Effective Communication with and Accessibility for Individuals with Disabilities: Appropriate steps must be made to ensure that communications with individuals with disabilities are as effective as communication with others.

Coverage of Health Insurance in Marketplaces and Other Health Plans: Entities may not, on a discriminatory basis, deny, cancel limit or refuse to issue new health-related insurance plan or coverage; limit a claim or impose additional cost-sharing; deny or limit coverage of a claim or impose additional cost-sharing, limitations, or restrictions for sex-specific health services provided to transgender individuals; or exclude coverage of all health services related to gender transition.

1557 in practice in the Title X clinic agency

All Title X funded agencies must review and comply with Section 1557: <http://www.hhs.gov/civil-rights/for-individuals/section-1557/>. If items of the rule are not already part of the agency's policies and procedures, agencies must update accordingly. Along with policies and procedures being in compliance with Section 1557, agencies must have the following at a minimum:

1. Utilization of a gender inclusive comprehensive family planning history form
 - CDPHE Title X has a sample form here: <https://www.colorado.gov/pacific/cdphe/title-x-clinical-consents-and-forms>
2. Statement of nondiscrimination on major publications
 - Standardized nondiscrimination statement here: <http://www.hhs.gov/civil-rights/for-individuals/section-1557/translated-resources/index.html>

3. Notice of nondiscrimination available to clients
 - Availability includes posting in the waiting room, clinic room, intake forms or other forms of communications where patients can readily review.
 - Templates for notices here: <http://www.hhs.gov/civil-rights/for-individuals/section-1557/translated-resources/index.html>
4. Posted language access information
 - Templates for posted language access here: <https://www.colorado.gov/pacific/cdphe/title-x-administrative-forms>

For more information and access to tools to help agencies comply with these regulations, please visit the Office of Civil Rights website: <http://www.hhs.gov/civil-rights/for-individuals/section-1557/>.